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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,367	09/05/2000	Stephen John Hinde	1509-127	7840

7590

05/06/2004

Lowe Hauptman Gopstein Gilman & Berner LLP
Allan M Lowe
1700 Diagonal Road Suite 310
Alexandria, VA 22314

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/06/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/655,367	Applicant(s) HINDE ET AL.	
	Examiner Michael J Simitoski	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5.6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The IDS of 1/12/01 and 2/4/04 has been received and considered.
2. Claims 1-7 are pending.

Claim Objections

3. Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 & 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "interval" is not directed toward any particular measurement. *For the purposes of this Office Action, "interval" will be considered "time interval" in each occurrence in the claims.*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 & 2, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over “Burrowing Through Firewalls” by Aline et al. (Aline) in view of U.S. Patent 6,134,584 to Chang et al. (Chang). Aline discloses effecting an HTTP GET operation or equivalent thereof/GET (page 2, ¶1) from the client to establish a communications socket for communicating data from the service/server to the client (page 2, ¶1), effecting another GET operation or equivalent thereof/close to close the communications socket (page 2, ¶1), irrespective of whether access between the service and the client is required to continue (anything further needs to be sent) (page 2, ¶1), and repeating steps (a) and (b) (the process is repeated) while access between the service and the client is required to continue (anything further needs to be sent) (page 2, ¶1). Aline lacks performing the close after a predetermined time interval. However, Chang teaches a system where users can schedule downloads and place and upper limit on download times (col. 4, lines 23-27), where the download is interrupted when a predetermined time limit is exceeded (col. 6, lines 45-50), with the benefit that the computer doesn’t have to be on all the time and because it is advantageous to specify upper limits on downloads (col. 3, lines 13-20 & col. 4, lines 23-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to wait a predetermined time interval (upper limit on download time) and then disconnect. One of ordinary skill in the art would have been motivated to perform such a modification to allow users to schedule downloads without requiring the computer be turned on and to gain the benefit of specifying upper limits on downloads, as taught by Chang (col. 4, lines 23-28).

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Regarding claim 2, the claim presents no active method steps and therefore will be given little patentable weight.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aline in view of Chang, as applied to claim 1 above, in further view of "Hypertext Transfer Protocol – HTTP/1.1" by Fielding et al. (Fielding). As modified above, Aline lacks using the HTTP POST to transfer information from the client to the service. However, Fielding teaches that the HTTP POST method is used to request acceptance of an entity enclosed in a request, such as a block of data (page 2, ¶1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the HTTP POST method to transfer information from the client to the service. One of ordinary skill in the art would have been motivated to perform such a modification because the HTTP POST method is used to request acceptance of an entity enclosed in a request, such as a block of data, as taught by Fielding (page 2, ¶1-3).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. The Apache reference is cited for teaching the FIN_WAIT_2 timeout and the use of KeepAlives (sending empty packets to keep a connection open).
- b. The Frantz reference is cited for teaching tunneling through firewalls with proxies.
- c. The Kassapidis reference is cited for teaching problems with FIN_WAIT_2 using Squid (proxy) where a timeout is needed to prevent many connections from staying open (disconnecting after a predetermined time period).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (703)305-8191. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. - 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703)308-4789.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703)746-7239 (for formal communications intended for entry)


Or:


(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MJS
April 25, 2004


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100